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Written statement* submitted by the International Catholic Child Bureau, non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Institutionalization of Children with Mental Disabilities in the Russian Federation

1. POSITIVE DEVELOPMENTS

1.1. In 2013, the Deputy-Prime Minister of the Russian Federation created an inter-ministerial working group to draft strategies to identify care, assistance and reeducation ways and means for mentally disabled children[1]. Civil society organizations, including the Center for Curative Pedagogics (CCP) - member of BICE network serves in the working group – were associated to the process that finally led to significant improvements. Indeed, besides the 2 July 2013 Act on amendments to legislative acts concerning care for orphans and children left without parental care, the Government Decree n°481 of 24 May 2014[2] stated that all relevant institutions should have unique regulation rules and procedures regardless the ministries they depend on. Hence, national education, public health and welfare systems have come under a single coordination structure. Thus, State-run institutions are not allowed anymore to provide in-house education to children who have to attend school outside, according to the inclusive education policy. In addition, the living conditions in institutions have been adapted to a family-type model. Most importantly, children with mental disabilities received support from regular caregivers for more consistency and monitoring of their development.

1.2. Progressively, the wording "orphanage" has been replaced by "centre enabling familial education" where attention is significantly focused on children abandonment prevention, with sound support provided to foster adoptive and biological families. It was a major change both in the mentality and in the practice as allowing children to go back home was not rooted in society. In the past, the majority of young children placed in these institutions used indeed to be transferred to adult psycho neurological State-run residential institutions, once they reached 18.

1.3. Measures aiming at decreasing the placement of children in institutions receive more attention from authorities and the school enrolment rate of institutionalized children is rising. Previously totally closed to the public, State-run residential institutions for children with mental disabilities are more and more open and even accept volunteer workers. Various types of alternative placements have been developed and experimented, including with volunteer families who welcome the child in their home for weekends or holidays if the child wishes so.

1.4. For instance, in the Pskov region, the fruitful collaboration between social service provider's organizations and the municipality structures significantly reduced the number of non-orphan children placement. It is only 8% in Pskov, 35% in Moscow, 50% in Kurgan region, 61% in Saint-Petersburg and 65% in Khakassia.

Review of Placement Challenge

1.5. The Federal Act n°212-FZ of 21 July 2014 on Basic principles of public control in the Russian Federation provides for legal basis for public inquests. This law genuinely established the scope of public control over the functioning of State bodies, local governments, and municipal entities to ensure the protection of human rights and freedoms for citizens, including for people with disabilities. Therefore, individuals, associations and NGOs as subjects of public control can exercise public review, examination, hearing and monitoring in State-care orphanages and institutions where disabled children are placed. This legislation has somehow strengthened cooperation and dialogue between local authorities and civil society organizations to address the institutionalization issue. Since the law entered into force in August 2014, dozens of public controls have been conducted by NGOs in institutions taking care of children with disabilities and the outcomes have been discussed with municipalities. Concerns remain however with regard to the implementation of the findings and recommendations of such a control.

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[1] Nowadays, the Russian Federation is restructuring its State-run residential institutions for children with mental disabilities. Whilst in 2010, there were 144 State institutions of that kind where 35'000 children have been placed, the number has decreased to 122 State institutions accommodating 30'000 children.

[2] Government Decree n°481 of 24 May 2014 on the "Activity of Organizations for Orphan Children and Children without Parental Care and on Placement of Children without Parental Care in them".

2. ISSUES OF CONCERN

Non-Orphan Children Institutionalization

2.1. In the Russian Federation, 70% of children placed in institutions are not orphans:

- 30% of institutionalized children are not orphans. Even if some of parents receive financial incentives, they do not visit their children and have no contact with them. For one reason or another, these parents are not in a position to provide them with the necessary and required care and counseling compatible with their disability;
- 40% of children in institutions have parents who have been deprived of parenthood according to article 69 of the Family Code.

2.2. In Moscow, there are seven State-run residential institutions for children with mental disability that accommodate 1'830 young children, from which orphans represent roughly 7% of the total number. The rest is what can be called "artificial orphans". Their parents are still alive but their children are institutionalized for various reasons. The majority of children remain permanently in institutions; only 11% of them go home during weekends. There are fewer children in day-care groups because of the challenges related to accessibility to common transportation for children with disabilities.

Consequences of the Separation of Children with Disabilities from Their Parents

2.3. Despite the significant efforts undertaken, separations of babies with disabilities from their parents remain an issue of concern. In fact, according to articles 69 (Deprivation of Parenthood), 71 (Consequences of the Deprivation of the Parenthood), and 73 (Restriction of Parental Rights) of the 1995 Family Code, parents can be deprived from parenthood in specific cases mentioned in the law, but these provisions have been misused, especially for children born with disabilities.

2.4. During the last decade, even if the situation has improved in some circumstances, doctors continue to "recommend" at birth that parents abandon immediately their babies if they present some symptoms without even proper certification. If they refuse to follow these "recommendations", parents face problems when it comes to enroll the child at school. Parents feel forced to accept the separation. The big majority of these children can only pretend to go to "auxiliary schools" or "remedial classes" despite the 29 December 2012 Education Act on inclusive education. In addition, kindergartens, schools and others necessary services and facilities are not available to accommodate children with disabilities. The placement of children in institutions is also linked to the lack of abandonment prevention and the lack of adequate support to families to avoid the institutionalization.

Care, Support and Living Conditions in Institutions

2.5. The outcomes of the inter-ministerial working group unveiled that in State-run residential institutions for children with mental disabilities, care-givers and nurses represent 80% of their staff whilst educators are only 20%. The lack of qualified professional staff for the development, stimulation, treatment and rehabilitation of these children has therefore to be seriously addressed.

2.6. The Committee on the Rights of the Child pointed out abuses on children by their educators in institutions[3]. It has been reported that children in some institutions do not receive sufficient attention, care and assistance. In some cases, they are exposed to violence in their families who are unable to provide them with adequate care, absorb financial implications and afford energy and time that home care requires.

3. RECOMMENDATIONS

3.1. Recommendations to the Government of the Russian Federation:

- a) Improve early diagnostic of children with mental disabilities to prevent their placement and mobilize every possible resources (human, financial and technical) at the family, pediatric hospital, State-run residential

[3] CRC/C/RUS/CO/3 (2005), §§ 46-47.

institutions, foster family and care institution levels to prevent child abandonment and separation of children from their parents, which has to be a measure of a last resort;

- b) Provide families and foster families with training on child-nurture as well as due technical and financial support to carry out required care and counseling enabling children to live at home and to promote their social inclusion;

- c) According to the 29 December 2012 Education Act, improve efforts in including children with disabilities in the mainstream system of education through their enrolment in regular schools and consequently avoid education in corrective and auxiliary schools;

- d) Prohibit permanent placement of non orphan disabled children and children deprived of parental care, conduct periodic review of all types of placement, and duly implement relevant steps of the 2009 UN Guidelines for the Alternative Care of Children[4], bearing in mind that institutionalization must be a measure of last resort and limited to cases where it responds to the best interests of the child;

- e) Develop alternative placement models (e.g. homes for disabled children; autonomous residence; supervised autonomous residence, etc.), including for 18 years young children and beyond;

- f) Conduct public education and awareness-raising campaigns to encourage support intervention of civil society actors towards families taking care of children with disabilities, and to promote early diagnostic of risks at birth;

- g) Encourage volunteering in State-run residential institutions to make them accessible and more open to the public;

- h) Abolish hospitalization in psychiatric institutions as a punishment for misbehavior;

- i) Undertake legal and policy reforms that can enable children with disabilities to access public infrastructures, including public transportation means;

- Ensure independence of public controls and remove all impediments to that exercise, and undertake every possible step to implement the control outcomes[5].

The Center for Curative Pedagogics (CCP), an NGO without consultative status, also shares the views expressed in this statement.

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[4] A/RES/64/142, Annex, §§ 23, 31, 34 b) and 132.

[5] It is important that NGOs make effective use of the public control opportunity by acquiring subject of public control status and establishing in partnership with local authorities: i) procedures for the monitoring, review, examination, discussion and hearings; ii) case management; iii) timeline for the implementation of inspections outcomes.